

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Thursday, November 7, 2019

CASE NUMBER: C15-2019-0055

- Y ___ Brooke Bailey
- Y ___ Jessica Cohen
- ___ Ada Corral
- ___ Melissa Hawthorne
- Y ___ William Hodge
- Y ___ Don Leighton-Burwell
- ___ Rahm McDaniel
- Y ___ Darryl Pruett
- Y ___ Veronica Rivera
- Y ___ Yasmine Smith
- Y ___ Michael Von Ohlen
- Y ___ Kelly Blume (Alternate)
- Y ___ Martha Gonzalez (Alternate)
- ___ Denisse Hudock (Alternate)

APPLICANT: David Cancialosi

OWNER: Mark Odom

ADDRESS: 2803 EDGEWATER DR

VARIANCE REQUESTED: The applicant is requesting a variance(s) from Section 25-2-551 (Lake Austin (LA) District Regulations)

1. (C) (3) (c) increase Impervious Cover from 5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent (required) to 66% (requested); 0% (existing)
2. (E) (2) to increase Impervious Cover to 29% for a driveway in order to erect a Single-Family Residential use in an "LA" zoning district.

NOTE: (for item (E) (2) The Land Development Code states on a slope with a gradient of more than 35 percent, development is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs.

BOARD'S DECISION: BOA meeting Oct 14, 2019 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Postpone to November 7, 2019, Board Member Melissa Hawthorne seconds on an 11-0 vote; POSTPONED TO November 7, 2019. Nov 7, 2019 The public hearing

was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Postpone to January 13, 2020, Board Member William Hodge seconds on a 10-0 vote; POSTPONED TO JANUARY 13, 2020.

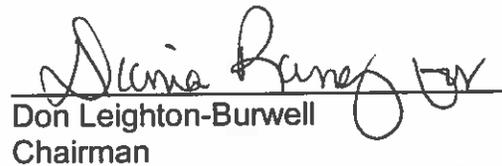
EXPIRATION DATE:

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:


Elaine Ramirez
Executive Liaison


Don Leighton-Burwell
Chairman

BOA Case # C15-2019-0055
2803 EDGEWATER VARIANCE REVISION NOTES

DELIVERABLES : *Included in this package and numbered accordingly*

1. Revision Notes
2. Memorandum Letter
3. Revised Architecture Plans, Section, Trees, Rendering, and Calculations
4. Septic Design
5. Civil Drawings : stamped
6. Structural Letter regarding Pier&Beam Foundation
7. Adjacent Site Images
8. Survey: Tree and Topography
9. Neighbor Letters in support

HIGHLIGHTED NOTES: *also included in drawings*

1. Building Footprint of house has decreased from 2,233SF to 1,848 SF
2. Impervious cover at 25%-35% Zone has decreased : from 66% to 60%
3. Impervious cover Over 35% Zone has decreased : from 29% to 19%
 - a. **Driveway** exists in the over 35% zone which is allowed per code.
4. Structural Engineer has provided a letter indicating that Pier and Beam is not a viable solution for this project.
5. Soil Report indicates Bedrock below 24 inches.
6. Cut and Fill minimized and balanced per section : Retaining walls are limited to 4 feet per code
7. Foundation retaining walls are allowed to rise above 4 feet per code.
8. Surveyed Trees are indicated in plans: trees to remain and trees to be removed, all per code.
9. Civil Drawings - are present indicating drainage strategy and zero impact to adjacent neighbors. Run-Off to the street is minimized to less than a water-sprinkler. Existing conditions have been improved with our drainage plan.
10. Civil - The construction of a planned home on this lot was computed to increase the peak discharge to Edgewater by only 0.2 to 0.3 cfs in the 500-year condition (3 to 5 percent, or arguably the equivalent of 3 or 4 lawn sprinkler zones going off at the same time).
11. Septic Design - Drip Septic System is proposed by the Registered Septic Engineer, See Plans. Septic field is 2,000SF of space. Trees are Ok to remain, however canopy will need to be pruned so that sufficient sunlight is obtained.
12. The redesign meets the criteria of following "Area of Character" concerns.
13. Property Owners have spent over \$45,000.00 (not including architecture) in consultant fees in pursuit of gaining an impervious square footage variance. This is a financial hardship that should be recognized by the BOA.

M E M O R A N D U M

TO: Board of Adjustment
FROM: Mark Odom
DATE: December 13, 2019
SUBJECT: BOA CASE #: C15-2019-0055 _ 2803 Edgewater

- Building permit filed with a Chapter 245 Vested Rights Determination in May, 2019; denied June, 2019.
- Appeal of 245 Determination was heard on July 2, 2019. City Attorney requested additional case law to demonstrate that the City had fair notice of the plat permit filed with the County on March 9, 1959 before the property was annexed into the City Limited Purpose Jurisdiction.
- Case law was provided to the City Attorney on July 17, 2019 along with evidence that Austin Energy was an approving utility agency in the plat project from the very beginning and gave the City fair notice of the Project.
- The 245 Appeal Determination has never been made. City Attorney suggested a variance be sought in order to avoid the need for a final Vested Rights Determination.
- In an effort to cooperate with the City and without waving any Vested Rights claim, this variance was filed in early September. We were not able to get on the Board of Adjustment Agenda until October.
- Board of Adjustment postponed the October Hearing and asked for civil and structural plans.
- Applicant provided civil and structural reports at the November meeting. Board of Adjustment postponed to January to ask about the septic design. Septic design is being presented during the January meeting.
- We are here to seek justice, not an exemption, from a zoning regulation that cannot be made to conform with the platted lot sizes.
- The recorded plat configured the subject property as a 14,000 square foot platted lot in 1959. LA Zoning requires a minimum lot size of 43,560 square feet and impervious calculations to be based on slope categories. The zoning applied to this legally platted subdivision was unreasonable from the very beginning because it immediately made all these lots legal non-conforming and unbuildable.
- If the Vested Rights are granted, no impervious cover limit and no net site area calculation will apply. We understand why City Legal would rather you grant a variance than to rule on the Vested Rights. We are only asking for up to 4,200 square feet of impervious cover which is just at or under 30%.
- We agree to lower the variance request from 5,369 square feet to 4,200 square feet. If the variance, as requested, is not granted we will insist on a Vested Rights Determination, which is indisputable.

EDGEWATER VARIANCE

CASE # CI-5-2019-0055
200113



P-2/5

EDGEWATER VARIANCE

CASE # C15-2019-0055
200113



PROJECT INFORMATION

PROJECT NAME: EDGEWATER RESIDENCE
 LOCATION: 2803 EDGEWATER DRIVE, AUSTIN, TX 78733
 ZONING: LA
 LEGAL DESCRIPTION: LOT 8, BLOCK 1, AUSTIN LAKE ESTATES, SECTION TWO, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 9, PAGE 82, TRAVIS COUNTY PLAT RECORDS.

AREA BREAKDOWN (SF)

	PREVIOUS	REVISED
BUILDING COVER	2,233	1,893
DRIVEWAY	1,513	1,409
UNCOVERED DECK	569	429
OTHER	387	469
TOTAL IMPERVIOUS COV.	5,469	4,200
LOT SIZE	13,935	13,935
TOTAL IMPER. COV. %	39%	30%

EXISTING TREE LIST

TO REMAIN	TO BE REMOVED
#42 HACKBERRY	#39 HACKBERRY
#45 LIVE OAK	#41 HACKBERRY
#46 CREPE MYRTLE	#50 ELM
#49 ELM	#52 ELM
#59 ELM	#53 ELM
#65 ELM	#54 ELM
#66 ELM	#55 HACKBERRY
#67 ELM	#56 ELM
#68 ELM	#60 ELM
#69 ELM	#61 ELM
#70 ELM	#62 ELM
#79 HACKBERRY	#63 ELM
#80 SHUMARD OAK	#64 ELM
#81 CREPE MYRTLE	TOTAL INCHES 151
#82 ELM	
#83 ELM	
#137 ELM	
#141 ELM	
TOTAL INCHES 206	

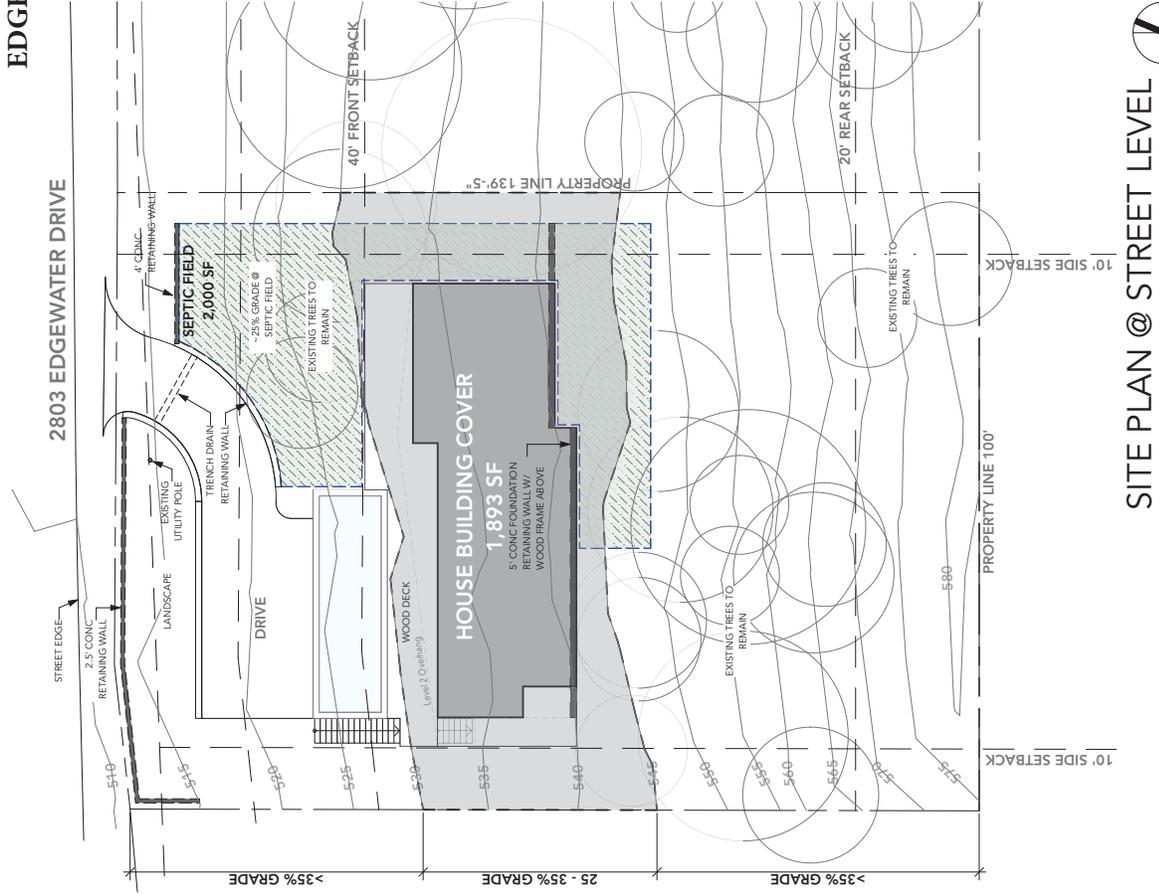
TOTAL EXISTING TREES	357"
TOTAL EXISTING TREES TO BE REMOVED	151"
TOTAL EXISTING TREES TO REMAIN	206"

PREVIOUS IMPERVIOUS COVER TABULATIONS BOA HEARING 10/14/19

SLOPE GRADE	ALLOWABLE % PER ZONE	PROPOSED % PER ZONE	ALLOWABLE SF PER ZONE	PROPOSED SF PER ZONE
0-15%	-	35%	-	-
15-25%	-	10%	-	-
25-35%	3,892 SF	66%	196 SF	2,592 SF
OVER 35%	10,043 SF	0%	0 SF	2,877 SF
TOTAL			196 SF	5,469 SF

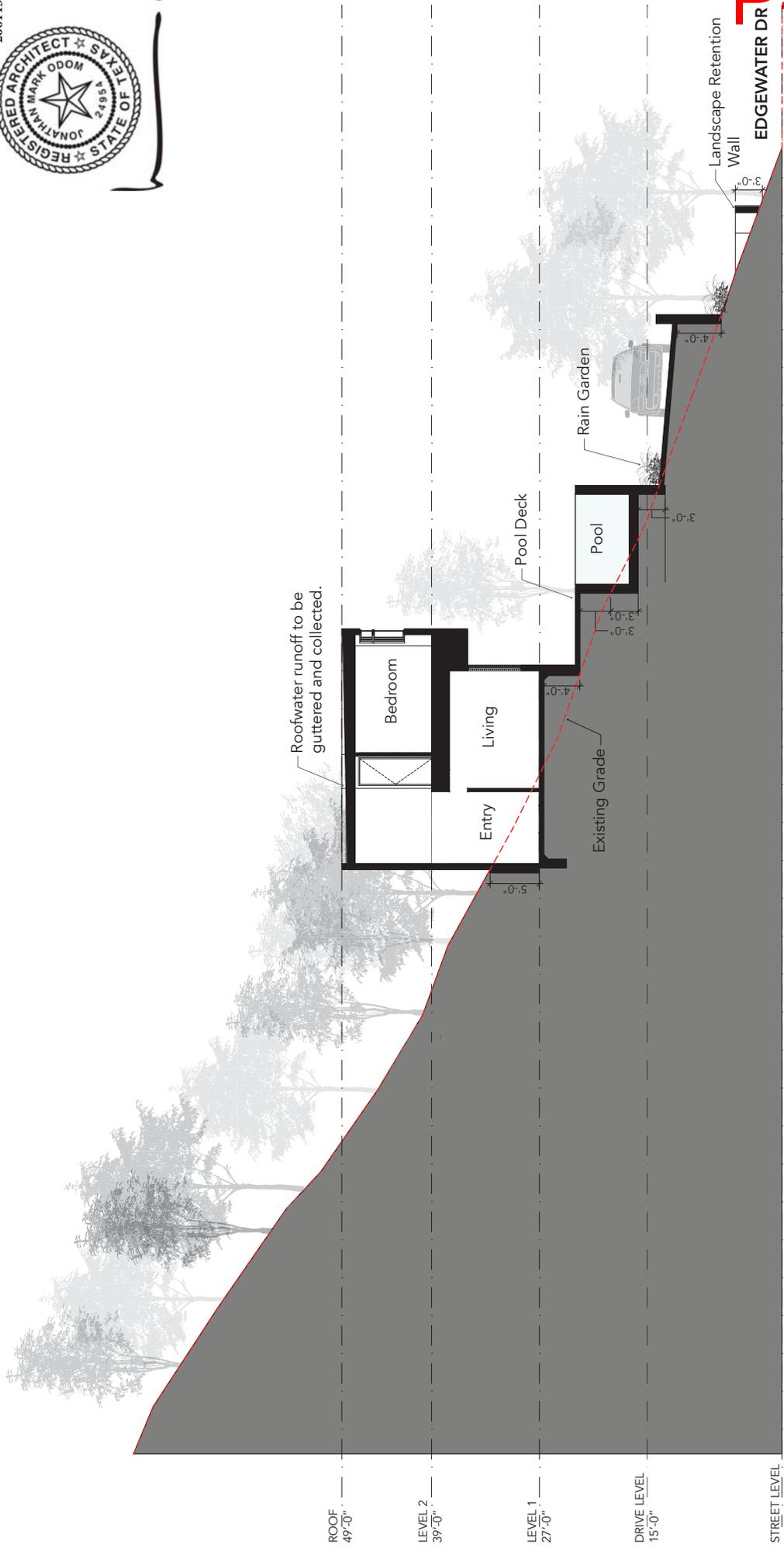
REVISED IMPERVIOUS COVER TABULATIONS BOA HEARING 01/13/20

SLOPE GRADE	ALLOWABLE % PER ZONE	PROPOSED % PER ZONE	ALLOWABLE SF PER ZONE	PROPOSED SF PER ZONE
0-15%	-	35%	-	-
15-25%	-	10%	-	-
25-35%	3,892 SF	60%	196 SF	2,324 SF
OVER 35%	10,043 SF	0%	0 SF	1,876 SF
TOTAL			196 SF	4,200 SF



EDGEWATER VARIANCE

CASE # C15-2019-0055
200113



P-2/7

SITE SECTION @ HOUSE



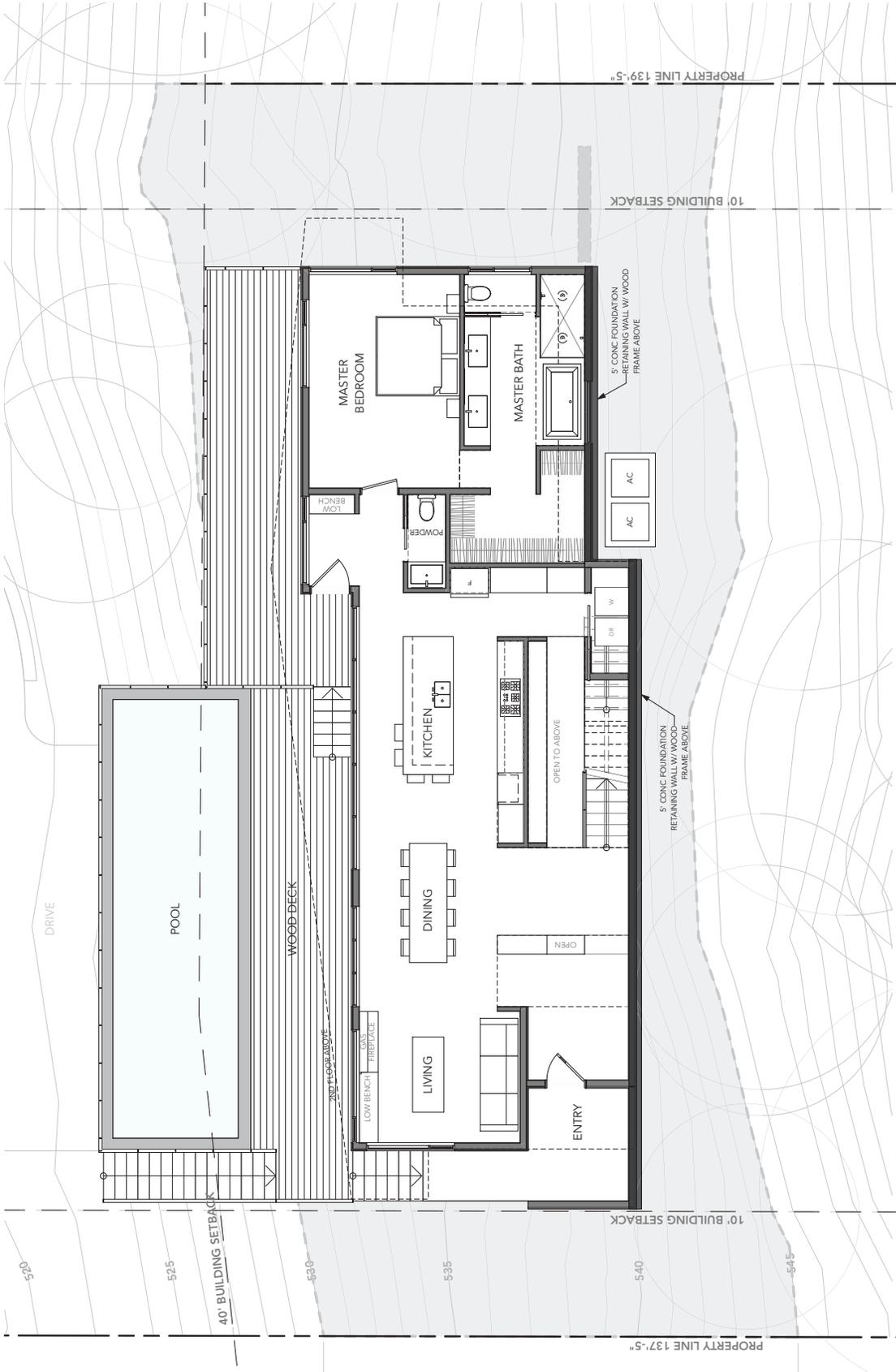
EDGEWATER VARIANCE

CASE # C15-2019-0055
200113



P-2/8

03



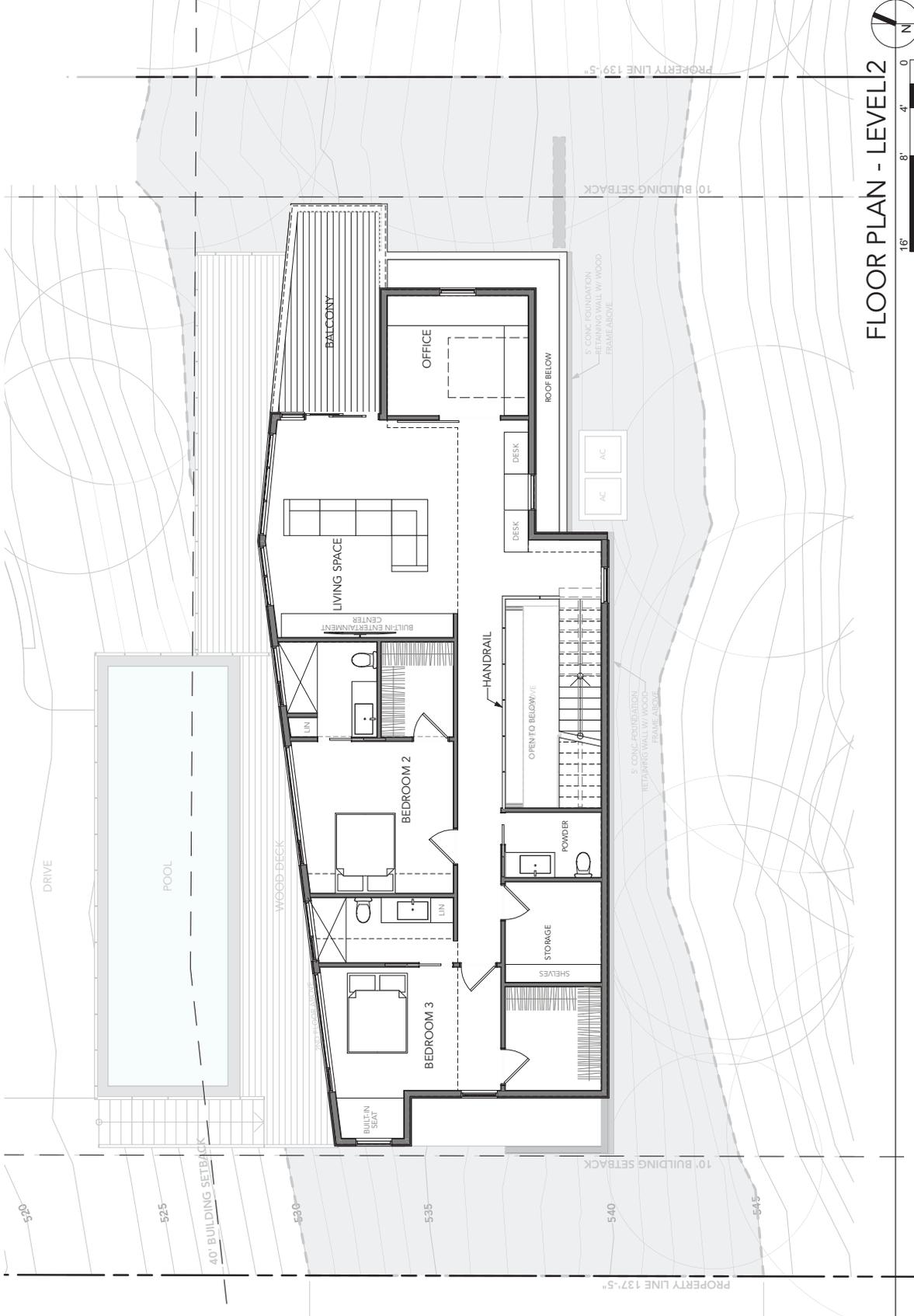
FLOOR PLAN - LEVEL 1



Mark Odom Studio + 1009 WEST 6TH ST #50 + AUSTIN, TX 78703 + 512-469-3350

EDGEWATER VARIANCE

CASE # C15-2019-0055
200113



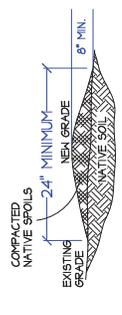
FLOOR PLAN - LEVEL 2



P-2/9



- LEGEND:**
- A. SEWAGE SUB-OUT
 - B. 4" SCH. 40 PVC SEWER PIPE
 - C. 4" SCH. 40 PVC CLEAN-OUT
 - D. TAO-WAY CLEAN-OUT
 - E. AEROBIC TREATMENT UNIT
 - F. PUMP TANK/CHAMBER
 - G. FIELD BOX
 - H. 1" SCH. 40 PVC SUPPLY LINE
 - I. 1/2" SCH. 40 PVC RETURN LINE
 - J. VACUUM BREAKER VALVES
 - K. ONE-WAY CHECK VALVES



NO PORTION OF THIS PROPERTY LIES WITHIN A 100-YEAR FLOOD PLAIN PER F.I.R.M. RATE MAPS

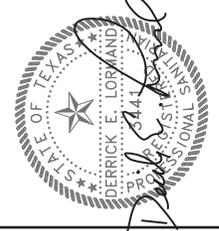
DRAINFIELD SHALL CONSIST OF A TOTAL OF 1,500 LINEAR FEET OF EMITTER TUBING CONTAINING 750 EMITTERS DEVELOPING 3,000 SQUARE FEET OF APPLICATION AREA.

SETBACK REQUIREMENTS:

INSTALLER SHALL ACHIEVE ALL MINIMUM REQUIRED SEPARATION DISTANCES AS SET FORTH BY THE TCEQ IN TITLE 30, TAC CHAPTER 265, EFFECTIVE DECEMBER 2012, AND ANY ADDITIONAL LOCAL REQUIREMENTS.

MINIMUM SEPARATION FROM TANKS: 5 FEET TO FOUNDATIONS, SWIMMING POOLS AND PROPERTY LINES, ONE FOOT TO EASEMENTS, 5 FEET TO DRAINAGE EASEMENTS AND GRADE BREAKS, 10 FEET TO WATER LINES, 50 FEET TO EXISTING OR PROPOSED WATER WELLS.

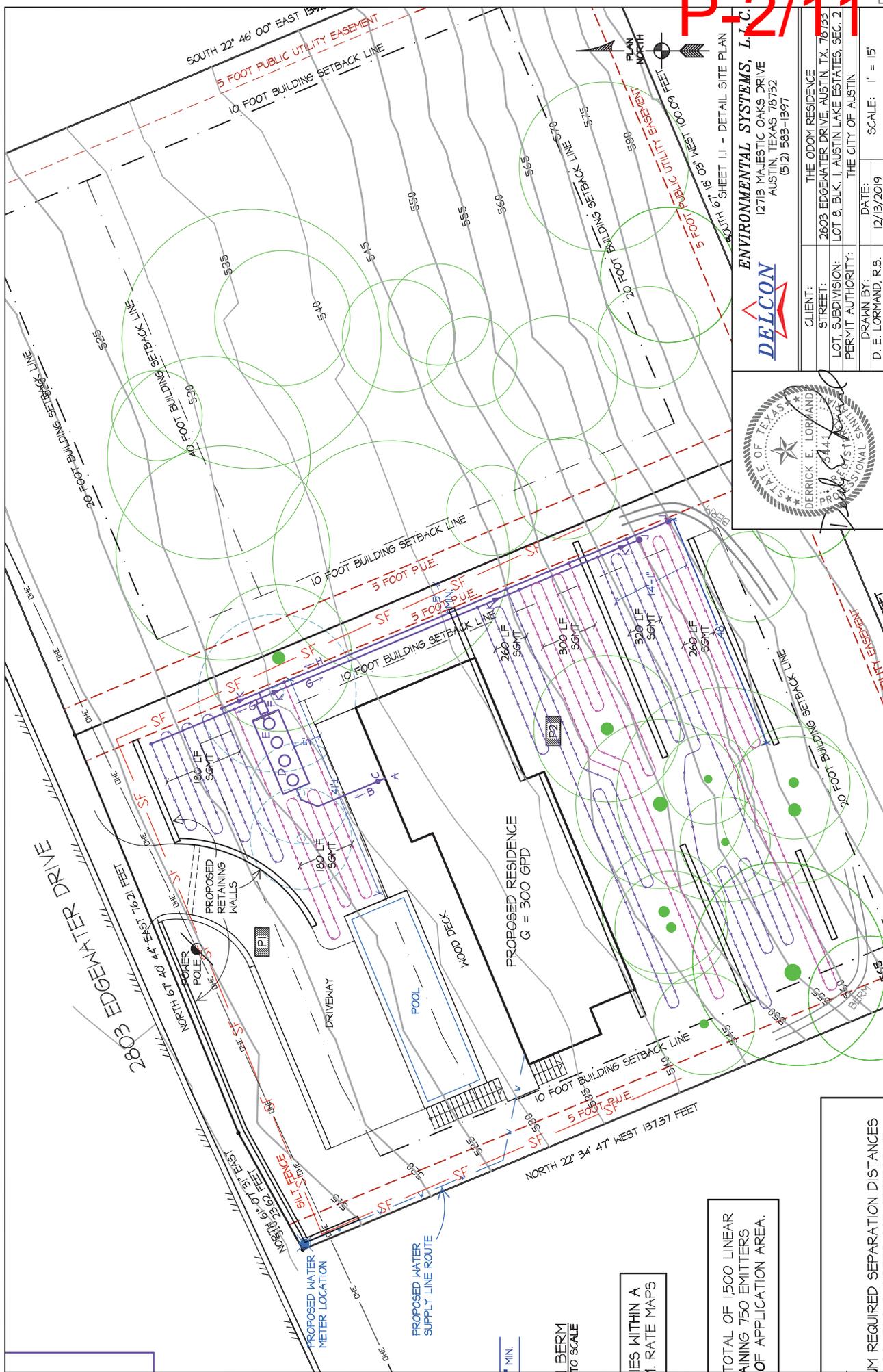
MINIMUM SEPARATION FROM DRAINFIELD: ONE FOOT TO FOUNDATIONS, EASEMENTS AND SWIMMING POOLS, 5 FEET TO PROPERTY LINES, 10 FEET TO GRADE BREAKS, 10 FEET TO WATER LINES, 100 FEET TO EXISTING OR PROPOSED WATER WELLS.



ENVIRONMENTAL SYSTEMS, L.L.C.
 12713 MAJESTIC OAKS DRIVE
 AUSTIN, TEXAS 78752
 (512) 583-1197

CLIENT:	THE ODOM RESIDENCE
STREET:	2803 EDGEWATER DRIVE, AUSTIN, TX. 78753
LOT, SUBDIVISION:	LOT 8, BLK. J, AUSTIN LAKE ESTATES, SEC. 2
PERMIT AUTHORITY:	THE CITY OF AUSTIN
DRAWN BY:	D. E. LORMAND, R.S.
DATE:	12/13/2019
SCALE:	1" = 20'

SHEET 1 - SITE PLAN



ENVIRONMENTAL SYSTEMS, L.P.C.
 12713 MAJESTIC OAKS DRIVE
 AUSTIN, TEXAS 78752
 (512) 583-1997

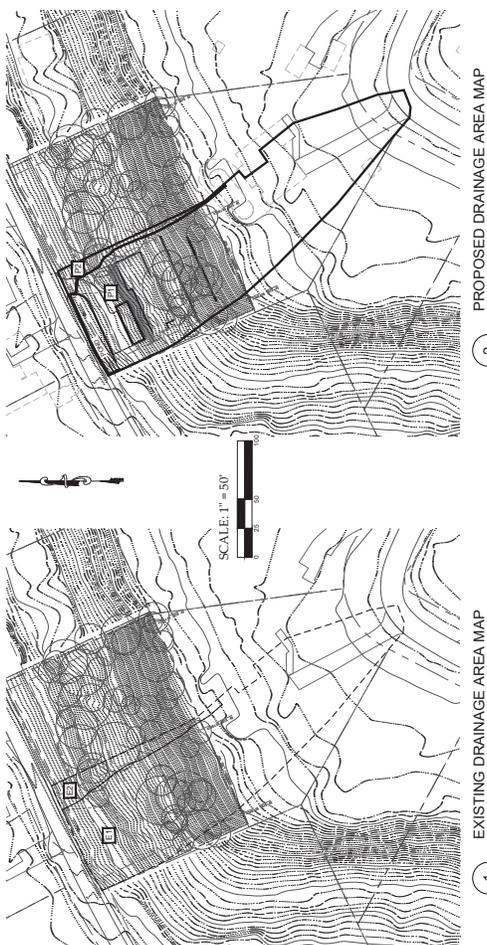
CLIENT:	THE ODOM RESIDENCE
STREET:	2803 EDGEWATER DRIVE, AUSTIN, TX. 78753
LOT, SUBDIVISION:	LOT 8, BLK. 1, AUSTIN LAKE ESTATES, SEC. 2
PERMIT AUTHORITY:	THE CITY OF AUSTIN
DRAWN BY:	D. E. LORMAND, R.S.
DATE:	12/13/2019
SCALE:	1" = 15'

TOTAL OF 1,500 LINEAR FEET OF 1.5 INCH DIAMETER EMITTERS WITHIN A 1. RATE MAPS

MIN. REQUIRED SEPARATION DISTANCES

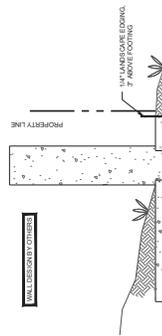
BERM TO SCALE

EMITTERS WITHIN A 1. RATE MAPS



1 EXISTING DRAINAGE AREA MAP
SCALE 1"=50'

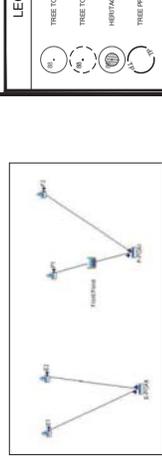
2 PROPOSED DRAINAGE AREA MAP
SCALE 1"=50'



5 WALL DETAIL
SCALE N.E.S.

CHANNEL COMPUTATIONS: MAJOR CHANNEL DRAINAGE OF DETENTION EXPANSION

Channel	Flow	Depth	Velocity	Area	Perimeter	Wet Area	Hydraulic Radius	Velocity	Discharge
Channel 1	1.0	0.10	1.49	0.10	0.63	0.09	0.16	1.49	0.15
Channel 2	1.0	0.10	1.49	0.10	0.63	0.09	0.16	1.49	0.15
Channel 3	1.0	0.10	1.49	0.10	0.63	0.09	0.16	1.49	0.15



HEC-HMS MODEL

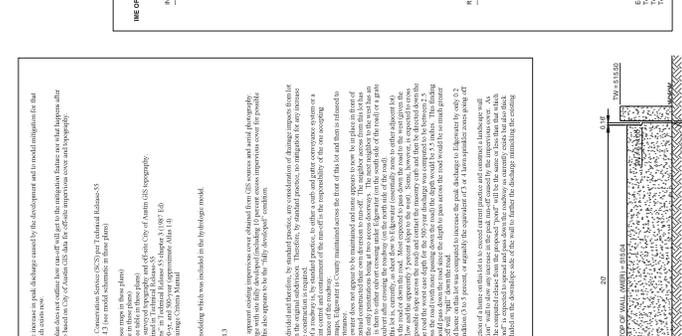
HEC-HMS MODEL DATA

Node	Flow	Depth	Velocity	Area	Perimeter	Wet Area	Hydraulic Radius	Velocity	Discharge
Node 1	1.0	0.10	1.49	0.10	0.63	0.09	0.16	1.49	0.15
Node 2	1.0	0.10	1.49	0.10	0.63	0.09	0.16	1.49	0.15
Node 3	1.0	0.10	1.49	0.10	0.63	0.09	0.16	1.49	0.15

THOMPSON LAND ENGINEERING, LLC
 1100 West 17th Street, Suite 200, Austin, Texas 78716 (512) 328-0072
 www.thompsonland.com



3 DETENTION POND PLAN
SCALE 1"=10'



4 POND OUTFALL DETAIL
SCALE N.E.S.

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October 21, 2019

Mark Odom Studio
1009 West 6th Street, #50
Austin, Texas 78703

Subject: Preference for foundation type
Odom Residence at 2803 Edgewater Drive, Austin, Texas
Job Number: 19156

Dear Mr. Odom:

At your request, I reviewed the site plan to offer my preference on foundation type. The geotechnical report is not yet available, but assuming shallow bedrock and given the steep topography, I prefer a slab-on-ground foundation over a pier-and-beam for the following reasons.

- Surface drainage around the house wherever possible is better than directing the water under the house. Compared to pipes or culvert under the house, surface drainage around the house is more reliable and easier to maintain with less risk of impacting the structure.
- Backfill to achieve proper drainage is easier against a slab-on-ground grade beam. A pier-and-beam requires clearances for the crawlspace and vent openings that can create challenges for retaining the backfill on the uphill side.
- A pier-and-beam would require additional excavation to achieve the necessary clearances.

Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Duffy'.

Dennis Duffy, P.E.

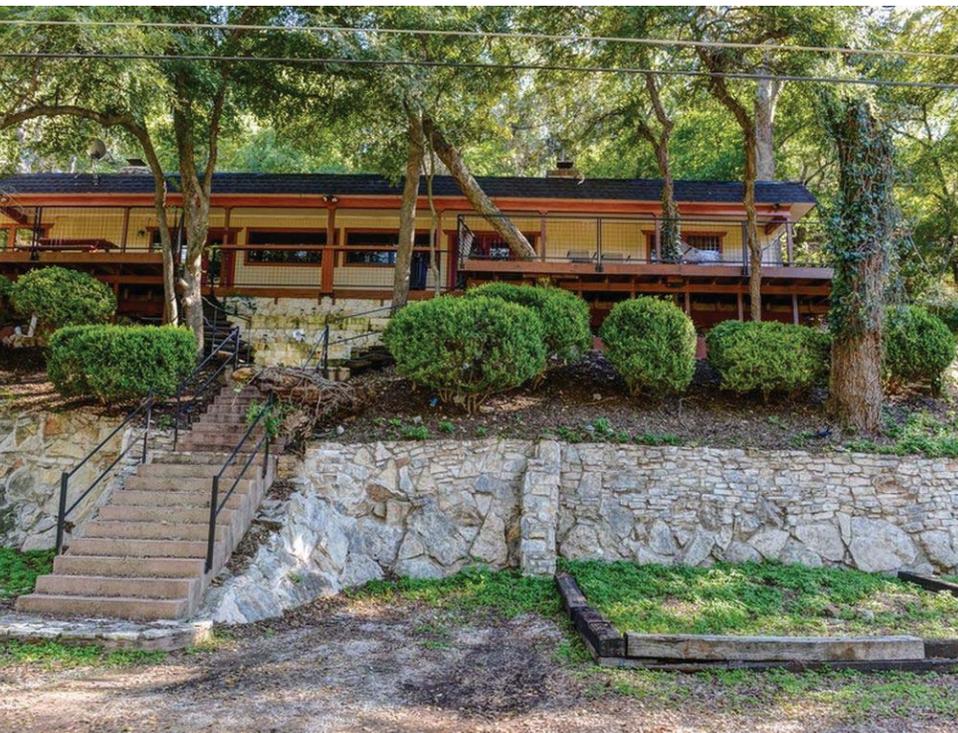


AREA OF CHARACTER

2805 EDGEWATER



2807 EDGEWATER

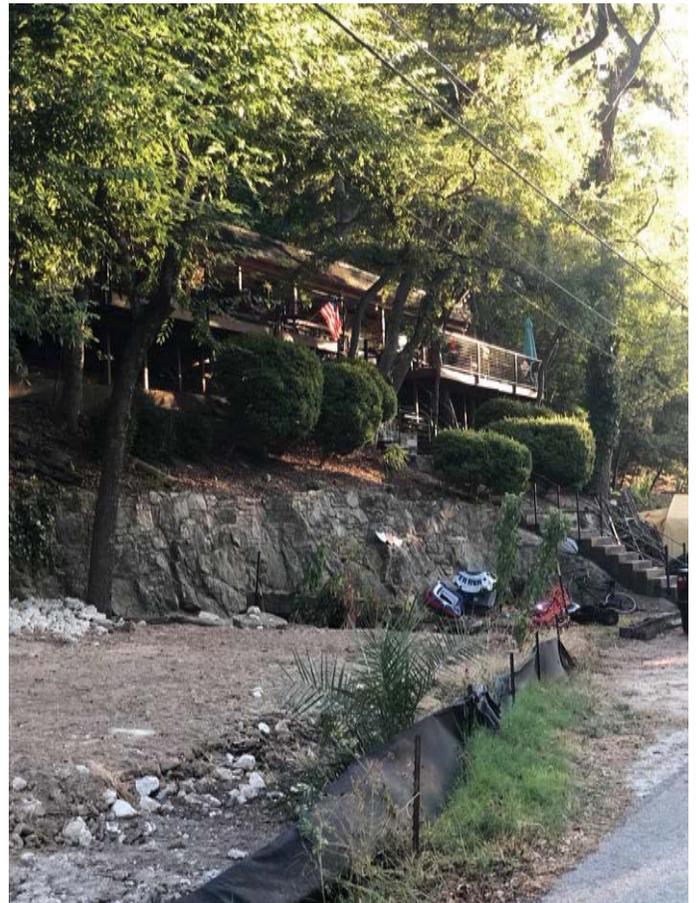
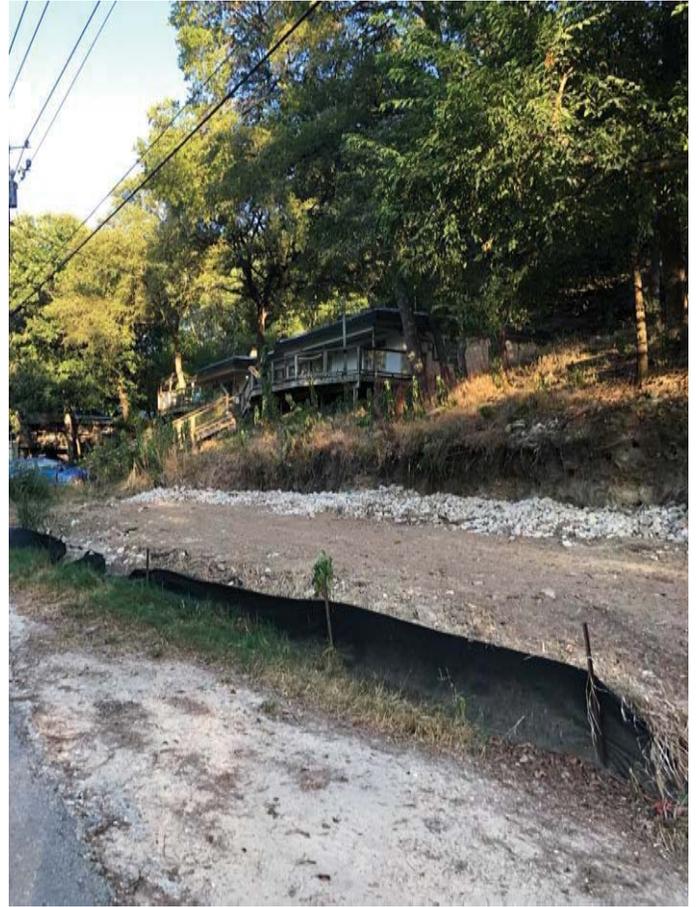


AREA OF CHARACTER

2903 EDGEWATER



2901 EDGEWATER



Waterloo Surveyors Inc.

SURVEY PLAT

LEGAL DESCRIPTION:
 LOTS 7 & 8, BLOCK 1, OF AUSTIN LAKE ESTATES,
 SECTION 2, A SUBDIVISION IN TRAVIS COUNTY, TEXAS,
 ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
 IN VOLUME 9, PAGE 82, PLAT RECORDS OF TRAVIS
 COUNTY, TEXAS.

OWNER:
 WILLIAM M. WESTFIELD

ADDRESS:
 2803 & 2805 EDGEWATER DRIVE
 AUSTIN, TEXAS 78733

LOT 7
 0.3205 ACRES
 13961 SQ.FT.

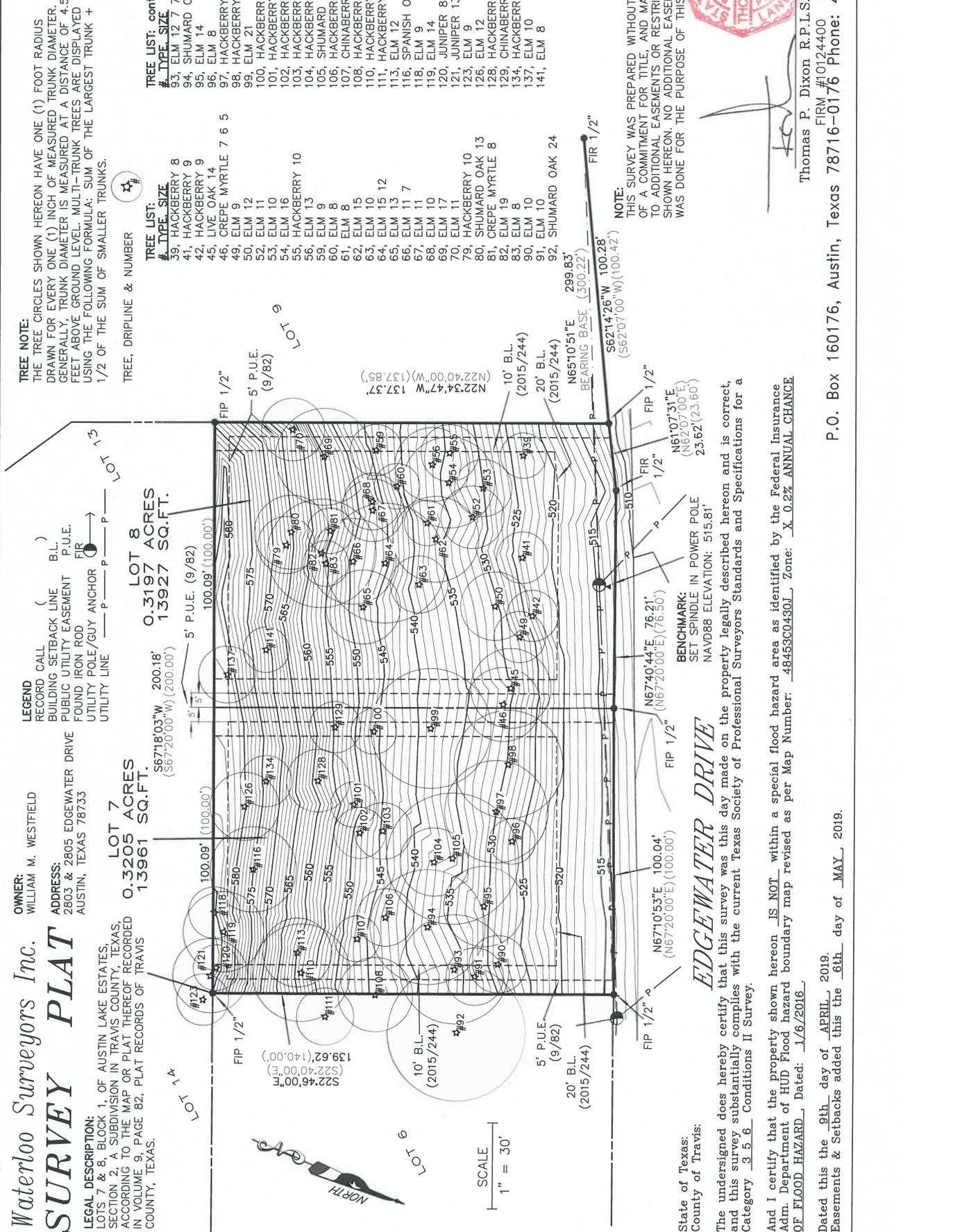
LOT 8
 0.3197 ACRES
 13927 SQ.FT.

- LEGEND
- RECORD CALL ()
 - BUILDING SETBACK LINE ()
 - PUBLIC UTILITY EASEMENT B.L.
 - UTILITY POLE/GUY ANCHOR P
 - UTILITY LINE P
 - FIR

TREE NOTE:
 THE TREE CIRCLES SHOWN HEREON HAVE ONE (1) FOOT RADIUS
 DRAWN FOR EVERY ONE (1) INCH OF MEASURED TRUNK DIAMETER.
 GENERALLY, TRUNK DIAMETER IS MEASURED AT A DISTANCE OF 4.5
 FEET ABOVE GROUND LEVEL. MULTI-TRUNK TREES ARE DISPLAYED
 USING THE FOLLOWING FORMULA: SUM OF THE LARGEST TRUNK +
 1/2 OF THE SUM OF SMALLER TRUNKS.

TREE LIST: cont.

#	TYPE	SIZE
93	ELM	12 7 7
94	SHUMARD OAK	20
95	ELM	14
96	ELM	8
97	HACKBERRY	18
98	HACKBERRY	19
99	ELM	21
100	HACKBERRY	8
101	HACKBERRY	8
102	HACKBERRY	9
103	HACKBERRY	10
104	HACKBERRY	12
105	SHUMARD OAK	23
106	HACKBERRY	10
107	HACKBERRY	8
108	HACKBERRY	13
109	HACKBERRY	17
110	HACKBERRY	10
111	HACKBERRY	10
112	HACKBERRY	10
113	HACKBERRY	10
114	HACKBERRY	10
115	HACKBERRY	10
116	SPANISH OAK	11 8
117	ELM	9
118	ELM	14
119	JUNIPER	8
120	JUNIPER	13
121	JUNIPER	13
122	ELM	9
123	ELM	9
124	ELM	9
125	ELM	9
126	ELM	9
127	ELM	9
128	SHUMARD OAK	13
129	HACKBERRY	8 5
130	HACKBERRY	5 2 1
131	HACKBERRY	7 3
132	ELM	10
133	ELM	10
134	ELM	10
135	ELM	10
136	ELM	10
137	ELM	10
138	ELM	10
139	ELM	10
140	ELM	10
141	ELM	10
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191	ELM	10
192	ELM	10
193	ELM	10
194	ELM	10
195	ELM	10
196	ELM	10
197	ELM	10
198	ELM	10
199	ELM	10
200	ELM	10



NOTE:
 THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT
 OF A COMMITMENT FOR TITLE AND MAY BE SUBJECT
 TO ADDITIONAL EASEMENTS OR RESTRICTIONS NOT
 SHOWN HEREON. NO ADDITIONAL EASEMENT RESEARCH
 WAS DONE FOR THE PURPOSE OF THIS SURVEY.

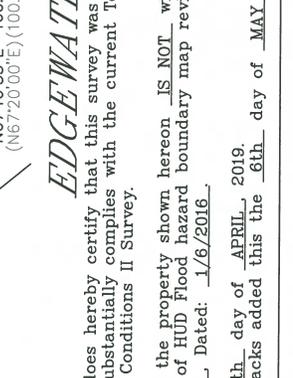
State of Texas:
 County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct,
 and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a
 Category 3 5 6 Conditions II Survey.

And I certify that the property shown hereon IS NOT within a special flood hazard area as identified by the Federal Insurance
 Adm. Department of HUD Flood hazard boundary map revised as per Map Number: 46453C0430J, Zone: X, 0.2% ANNUAL CHANCE
 OF FLOOD HAZARD, Dated: 1/6/2016.

Dated this the 9th day of APRIL, 2019.
 Easements & Setbacks added this the 6th day of MAY, 2019.

Thomas P. Dixon R.P.L.S. 4324
 FIRM #10124400
 Phone: 481-9602
 P.O. Box 160176, Austin, Texas 78716-0176



Copyright 2019

September 15, 2019

Dear Neighbor,

We are Mark and Holly Odom, new owners of Lot 8 with address 2803 Edgewater Drive in Lake Austin Estates neighborhood. We currently live at 2121 Saratoga Drive and have been residents in this neighborhood since 2011. We have also been active members of the Community Lake Park since 2011 and Mark has been a board member for the last two years. We have two children, ages 10 and 6.

It has been our dream to live closer to the lake and build a new house for our family. Mark is a licensed Architect and has a design firm, Mark Odom Studio.

We are writing to ask for your consideration and help as we are seeking a variance to the City of Austin Board of Adjustments regarding code Section 25-2-551 LAKE AUSTIN (LA) DISTRICT. The lots mentioned are currently unbuildable due City of Austin Zoning (LA) with its limitations of Impervious Square Footage (manmade surface that doesn't absorb water). Per zoning code, the lot currently allows for .014 % (196 sf) of impervious square footage and our variance request would allow between 38% & 43% impervious square feet total. Our goal is to build an estimated 2500-3000 sf house and use the rest for driveway, deck, walkway and pool. We could not build a larger house because there would not be enough impervious cover for critical items like walkways, deck etc. We have a track record of building site-specific and neighborhood considerate work (our renovation and addition of a studio above the garage at our current home is one example).

We are currently needing signatures by October 10, 2019 to make our appointment deadline. Our hearing with the City of Austin will be in October 2019 in front of the Board Of Adjustments.

We would be most grateful if you would sign below and return via email. If you receive this and live in the neighborhood we would also be happy to pick it up — or you may drop it off in our mail-box at the address below.

We are happy to answer any questions you may have. Thank you for your time and consideration,

Mark and Holly Odom
2121 Saratoga Drive,
Austin, TX 78733

Mark phone : 512-563-6373

Mark email : [REDACTED]

Holly phone : 512-669-3003

Holly email : [REDACTED]

Please sign below to declare your support for the variance being requested:

2906 Edgewater Drive, 78733
Owner Address

Tom Horrigan
Owner Name

[Signature]
Owner Signature

We are currently needing signatures by October 10, 2019 to make our appointment deadline. Our hearing with the City of Austin will be in October 2019 in front of the Board Of Adjustments.

We would be most grateful if you would sign below and return via email. If you receive this and live in the neighborhood we would also be happy to pick it up — or you may drop it off in our mail-box at the address below.

We are happy to answer any questions you may have. Thank you for your time and consideration,

Mark and Holly Odom
2121 Saratoga Drive,
Austin, TX 78733

Mark phone : 512-563-6373

Mark email : [REDACTED]

Holly phone : 512-669-3003

Holly email : [REDACTED]

Please sign below to declare your support for the variance being requested:

2901 EDGEMATER DR, AUSTIN, TX 78733
Owner Address

William M. Westfield
Owner Name

William Westfield
Owner Signature

We are currently needing all signatures by Friday, May 10, 2019 to make our application deadline. Our hearing with the City of Austin will be in June 2019 in front of the Board Of Adjustments.

We would be most grateful if you would sign below and return to us in the addressed envelope as soon as possible. If you receive this and live in the neighborhood we would also be happy to pick it up or you may drop it off in our mail-box.

We are happy to answer any questions you may have. Thank you for your time and consideration,

Mark and Holly Odom
2121 Saratoga Drive,
Austin, TX 78733

Mark phone : 512-563-6373

Mark email : [REDACTED]

Holly phone : 512-669-3003

Holly email : [REDACTED]

Please sign below to declare your support for the variance being requested:

2802 Edgewood
Owner Address

Steve Colman
Owner Name

[Signature]
Owner Signature

We are currently needing all signatures by Friday, May 10, 2019 to make our application deadline. Our hearing with the City of Austin will be in June 2019 in front of the Board Of Adjustments.

We would be most grateful if you would sign below and return to us in the addressed envelope as soon as possible. If you receive this and live in the neighborhood we would also be happy to pick it up or you may drop it off in our mail-box.

We are happy to answer any questions you may have. Thank you for your time and consideration,

Mark and Holly Odom
2121 Saratoga Drive,
Austin, TX 78733

Mark phone : 512-563-6373

Mark email : [REDACTED]

Holly phone : 512-669-3003

Holly email : [REDACTED]

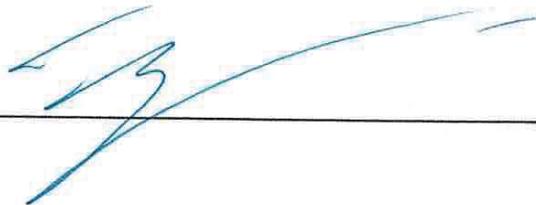
Please sign below to declare your support for the variance being requested:

2804 EDGEWATER

Owner Address

MARK MCKENZIE

Owner Name



Owner Signature



I, **Mark & Holly Odom**, am applying for a variance from the Board of Adjustment regarding Section S 25-2-551 ((C)) of the Land Development Code. The variance would allow me the ability to Gain additional Impervious Square Footage on lot(s) 7 & 8 so that a single family home can be constructed. Due to the steep slope of land code indicates that there is zero impervious coverage options awarded to the lot(s). The additional Impervious Square Footage would allow us to build a moderate home for our family

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
<i>Barbara Taylor</i>	2905 Edgewater Dr	<i>Barbara Taylor</i>

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday October 14, 2019

CASE NUMBER: C15-2019-0055

- Brooke Bailey OUT
- Jessica Cohen
- Ada Corral
- Melissa Hawthorne
- William Hodge
- Don Leighton-Burwell
- Rahm McDaniel
- Darryl Pruet
- Veronica Rivera
- Yasmine Smith
- Michael Von Ohlen
- Kelly Blume (Alternate)
- Martha Gonzalez (Alternate)
- Denisse Hudock (Alternate)

APPLICANT: David Cancialosi

OWNER: Mark Odom

ADDRESS: 2803 EDGEWATER DR

VARIANCE REQUESTED: The applicant is requesting a variance(s) from Section 25-2-551 (Lake Austin (LA) District Regulations)

- 1. (C) (3) (c) increase Impervious Cover from 5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent (required) to 66% (requested); 0% (existing)**
- 2. (E) (2) to increase Impervious Cover to 29% for a driveway in order to erect a Single-Family Residential use in an "LA" zoning district.**

NOTE: (for item (E) (2) The Land Development Code states on a slope with a gradient of more than 35 percent, development is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs.

BOARD'S DECISION: BOA meeting Oct 14, 2019 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Postpone to November 7, 2019, Board Member Melissa Hawthorne seconds on an 11-0 vote; POSTPONED TO November 7, 2019.

EXPIRATION DATE:

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:


Elaine Ramirez
Executive Liaison


Don Leighton-Burwell
Chairman

October 22, 2019

City of Austin
City Board of Adjustments
One Texas Center
505 Barton Springs
Austin, Texas 78704

RE: 2803 EDGEWATER DR. VARIANCE REQUEST - UPDATED

To Whom It May Concern:

The Board heard this case at its October hearing. The applicant is requesting two impervious cover variances to allow the construction of a single-family residence and associated improvements. The lot is currently vacant and has very steep topography. It is zoned LA; however, it does not front onto Lake Austin and is well under the required size of one acre. The approximately 14,000 SF lot allows less than 200 SF of impervious coverage when the LA zoning regulations are calculated for the subject site. As mentioned before, strict application of the LA zoning regulations on this substandard lot results in a total taking of all permitted use and development of the property by the City of Austin. Such taking occurred when the LA zoning ordinance was placed on this property and when the requirements of that ordinance were used to deny a building permit to Mr. Odom. This Board is expressly tasked with the authority to grant variances when such strict application of the Code deprives the property owner of privileges that are enjoyed by another person who owns property in the area that is similarly situated with similarly timed original development.

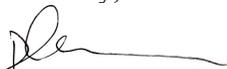
At the October hearing we heard the Board's concerns. In November's back up packet please find attached to this cover letter an updated site plan, drainage letter from an engineer, and other documents related to the proposed construction.

The homeowner has also met with some neighbors to discuss the project. Their concerns are heard, too. The impervious coverage has been reduced as a result of those discussions. To that end we hope the discussions have abated their concerns to the degree possible given the unique size, topography, and zoning-based hardships specific to this lot.

If this variance is not granted the owner has no choice but to seek damages for the regulatory taking of all use of the property. The Board of Adjustment was created to prevent precisely this kind of unintended harm to property owners.

I look forward to discussing this case with the Board at its November hearing and look forward to a positive outcome regarding our request to construct the single family project.

Sincerely,



David C. Cancialosi, Agent for Owner

Cc: Mark Odom, property owner